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Merchant & Gould - Cox PO Box 2903 Minneapolis, MN 55402			EXAMINER LU, SHIRLEY	
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Please find below and/or attached an Office communication concerning this application or proceeding.

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/922,242
Filing Date: August 03, 2001
Appellant(s): GOODE, CHRISTOPHER W.B.

Goode
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 10/3/06 appealing from the Office action
mailed 5/3/06.

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(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6675387	Boucher et al.
2005/0018916	Kondo, Tetsujiro
2003/0028879	Gordon et al.
6584153	Gordon et al.
wo 01031914A1	Gordon et al.
wo 0064170	Gordon et al.

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claim(s) 1-6, 8-11, 13-17, and 20 is/are rejected under 35 U.S.C. 102(e) as being anticipated by Gordon WO 00/64170.

As to claim 1, Gordon WO 00/64170 discloses:

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A method for delivering customized navigation imagery to a user, comprising:
determining a profile associated with an encoded navigation stream, said profile including spatial and temporal parameters; encoding a video stream according to said profile to produce an encoded video stream, said encoded video stream representing imagery having associated with it a screen position and an image size (stream DATA provides information on parameters and other profile parameters [9, 14-21]; [17, 10-20] position (temporal or channel) [6, 20-25]; user navigation ([15, 26] to [16, 3]), relative size of pictures produced by real time encoders [32, 5-21]; video and graphics layer, display parameters (size, shape, position and other visual parameters) fig. 1 ([5, 27] to [6, 4]));

combining said encoded navigation stream and said encoded video stream to produce a combined stream representing navigation imagery including said video stream imagery, said video stream imagery having associated with it said screen position and said screen size (video and graphics layer, display parameters (size, shape, position and other visual parameters) fig. 1 ([5, 27] to [6, 4])).

As to claim 2, Gordon WO 00/64170 discloses:

said profile defines a group of pictures (GOP) structure (data stream identifies GOP structure [9, 22-25].

As to claim 3, Gordon WO 00/64170 discloses:

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said profile defines at least one of an encoding rate, and encoding resolution, and encoding profile and a quantization level (stream DATA provides information on parameters and other profile parameters [9, 14-21]; [17, 10-19]).

As to claim 4, Gordon WO 00/64170 discloses:

said spatial parameters include a frame size parameter and said temporal parameters include a frame rate parameter (frame rate [9, 26] to [10, 7]; frame size [5, 27] to [6, 3]).

As to claim 5, Gordon WO 00/64170 discloses:

said encoded navigation stream and said encoded video stream are encoded according to a common group of picture (GOP) data structure, said step of combining further comprising: aligning said encoded navigation stream and said encoded video stream according to said common GOP structure ([17, 10-20]; [25, 11-32]).

As to claim 6, Gordon WO 00/64170 discloses:

said step of encoding said video stream comprises the steps of adapting said video stream imagery to said screen position and said screen size ([5, 27] to [6, 3]).

As to claim 8, Gordon WO 00/64170 discloses:

said screen position comprises a reference position, said step of combining including: determining a desired reference screen position for said encoded video stream imagery; and translating said screen position of said encoded video stream to said desired reference screen position ([33, 4] to [34, 2]).

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As to claim 9, Gordon WO 00/64170 discloses:

said navigation stream represents navigation imagery supported by a video layer and a graphics layer ([5, 27] to [6, 3]),

said video layer provided via a navigation video stream encoded according to said common GOP structure and said profile, said graphics layer provided via graphics data included within an associated graphics data stream (stream DATA provides information on parameters and other profile parameters [9, 14-21]; [17, 10-20] position (temporal or channel) [6, 20-25]; user navigation ([15, 26] to [16, 3]), relative size of pictures produced by real time encoders [32, 5-21]; video and graphics layer, display parameters (size, shape, position and other visual parameters) fig. 1 ([5, 27] to [6, 4]));

said graphics data and said navigation video stream intended for contemporaneous presentation (fig. 1; ([5, 27] to [6, 3])).

As to claim 10, Gordon WO 00/64170 discloses:

said graphics data includes graphical imagery positioned coincident with said screen position, said graphical imagery to at least partially obscuring said encoded video stream upon presentation of said combined stream [6, 20-25].

As to claim 11, Gordon WO 00/64170 discloses:

receiving, a user command indicative of the selection of said graphical imagery at least partially obscuring said encoded video stream; and modifying said obscuring graphical imagery to allow user viewing of said encoded video stream [6, 13-19];

As to claim 13, Gordon WO 00/64170 discloses:

said combined stream represents navigation imagery including advertising imagery appropriate to said user ([25, 11-32]; [27, 19] to [28, 7]; [5, 12-26]).

As to claim 14, Gordon WO 00/64170 discloses:

said advertising imagery is determined to be appropriate by comparing at least one of user preference data and usage based profile data to preference data associated with available advertising imagery [27, 19] to [28, 7]).

As to claim 15, Gordon WO 00/64170 discloses:

said advertising imagery comprises still imagery provided as one of video imagery and a bitmap image (promotional banner [13, 24] to [14, 5]).

As to claim 16, Gordon WO 00/64170 discloses:

said still imagery comprises a bitmap and said method further comprises: adapting a color palette of said bitmap to a color palette compatible with said navigation stream (the colors of the bitmap of the banner are inherently adapted to the users' color palette by virtue of it being displayed or rendered by the client end [13, 24] to [14, 5]).

As to claim 17, Gordon WO 00/64170 discloses:

said still imagery comprises video imagery encoded according to said GOP structure wherein an intra-coded frame of said GOP structure represents said still imagery and a

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plurality of inter-coded frames of said GOP structure operate to repeat at least portions of said intra-coded frame [32, 5-21].

As to claim 20, Gordon WO 00/64170 discloses:

A method for generating a customized user interface, said user interface comprising imagery supported by a video layer and a graphics layer, said video layer provided via an encoded video stream, said graphics layer provided via graphics data, said graphics data and said video stream intended for contemporaneous presentation, said method comprising: determining a profile associated with an encoded navigation stream, said profile including spatial and temporal parameters; encoding a video stream according to said profile to produce an encoded video stream, said encoded video stream representing imagery having associated with it a screen position and an image size; combining said encoded navigation stream and said encoded video stream to produce a combined stream representing navigation imagery including said video stream imagery within said screen position and according to said screen size (stream DATA provides information on parameters and other profile parameters [9, 14-21]; [17, 10-20] position (temporal or channel) [6, 20-25]; user navigation ([15, 26] to [16, 3]), relative size of pictures produced by real time encoders [32, 5-21]; video and graphics layer, display parameters (size, shape, position and other visual parameters) fig. 1 ([5, 27] to [6, 4])); combining said encoded navigation stream and said encoded video stream to produce a combined stream representing navigation imagery including said video stream imagery within said screen position and according to said screen size (video and graphics layer,

display parameters (size, shape, position and other visual parameters) fig. 1 ([5, 27] to [6, 4])).

4. Claim(s) 21-25 is/are rejected under 35 U.S.C. 102(e) as being anticipated by Gordon '153 (6584153).

As to claim 21, Gordon '153 discloses:

A method for delivering customized navigation imagery to a user, comprising: receiving a request from a user for navigation imagery [4, 1-25];

retrieving, from a server, navigation imagery and advertising imagery appropriate for said user ([16, 30-36] to [16, 42-67]);

encoding said retrieved navigation imagery and advertising imagery to produce an encoded navigation video stream, said navigator video stream representing navigation imagery including advertising imagery appropriate to said user [7, 1-26].

determining a profile associated with an encoded navigation stream, said profile including spatial and temporal parameters; encoding a video stream according to said profile to produce an encoded video stream, said encoded video stream representing imagery having associated with it a screen position and an image size (stream DATA provides information on parameters and other profile parameters [9, 14-21]; [17, 10-20] position (temporal or channel) [6, 20-25]; user navigation ([15, 26] to [16, 3]), relative size of pictures produced by real time encoders [32, 5-21]; video and graphics layer,

display parameters (size, shape, position and other visual parameters) fig. 1 ([5, 27] to [6, 4]));

combining said encoded navigation stream and said encoded video stream to produce a combined stream representing navigation imagery including said video stream imagery, said video stream imagery having associated with it said screen position and said screen size (video and graphics layer, display parameters (size, shape, position and other visual parameters) fig. 1 ([5, 27] to [6, 4])).

As to claim 22, Gordon '153 discloses:

said advertising imagery is determined to be appropriate by comparing user preference data and preference data associated with available advertising imagery [16, 42-67].

As to claim 23, Gordon '153 discloses:

said advertising imagery comprises still imagery [8, 28-45].

As to claim 24, Gordon '153 discloses:

said still imagery comprises a bitmap (the colors of the bitmap of the banner are inherently adapted to the users' color palette by virtue of it being displayed or rendered by the client end [8, 28-45]).

As to claim 25, Gordon '153 discloses:

said navigation imagery is supported by a video layer and a graphics layer [3, 54-64],

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said video layer provided via a navigation video stream encoded according to said common GOP structure and said profile, said graphics layer provided via graphics data included within an associated graphics data stream, said graphics data and said navigation video stream intended for contemporaneous presentation (stream DATA provides information on parameters and other profile parameters [5, 60]; [6, 2] position (temporal or channel) [4, 18-25]; user navigation ([9, 44-45]), relative size of pictures produced by real time encoders [19, 21-42]; video and graphics layer, display parameters (size, shape, position and other visual parameters) fig. 1 ([3, 54-64] to [18, 36-47]; [21, 24-39]).

Claim Rejections - 35 U.S.C. § 103

The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim(s) 12 is/are rejected under 35 U.S.C. § 103(a) as being unpatentable over Gordon (WO 00/64170).

As to claim 12,

Although the Gordon does not specifically disclose updating demographic data associated with said user in response to said user command, the examiner gives Official Notice that it is notoriously well known in the art to update demographic data in response to user command. Accordingly, it would have been obvious to one of ordinary skill in the art to modify Gordon WO 00/64170 in order to allow a person to maintain keep his information current so that his experience could be more tailored to his use. These concepts are well known in the art and do not constitute a patentably distinct limitation, per se [M.P.E.P. 2144.03].

6. Claim(s) 7 is/are rejected under 35 U.S.C. § 103(a) as being unpatentable over Gordon (WO 00/64170) in view of Gordon (WO 01/031914), and in further view of Kondo (200500189116).

As to claim 7,

Gordon WO 00/64170 does not specifically disclose said video stream imagery is adapted to said screen size using a decimation process. Gordon WO 01/031914 discloses 'slice-based encoding may also be used to provide picture-in-picture (PIP) functionality and a multi-functional user interface' [section G. Multi-Functional User Interface with PIP Functionality, (first and second paragraphs)]. Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gordon WO 00/64170 with Gordon WO 01/031914 so as to allow 'the graphics and video of an IPG to be efficiently coded and flexibly transmitted as described below. Consequently, a user can easily and rapidly move from one IPG page to another IPG page' [Description (fifth paragraph)]. Gordon WO 00/64170 in view of

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Gordon WO 01/031914 does not specifically disclose the decimation process.

However, Kondo discloses 'Inasmuch as an image is compressed by decimation and also compressed by the ADRC process and the classifying and adaptive processing process, it is possible to obtain encoded data compressed at a very high compression ratio. The above encoding process carried out in the transmitting apparatus 1 employs a coordinated combination of the decimation-based compression process and the classifying and adaptive processing process to achieve highly efficient data compression, and may thus be referred to as a coordinated encoding process' [0176]. Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gordon WO 00/64170 in view of Gordon WO 01/031914 with Kondo so as to compress an image using a very high compression ratio (Kondo [0175]).

7. Claim(s) 18is/are rejected under 35 U.S.C. § 103(a) as being unpatentable over Gordon WO 00/64170 in view of Gordon WO 01/031914 (WO 01/031914).

As to claim 18,

Gordon WO 00/64170 does not specifically disclose wherein said step of combining comprises: removing data within said navigation stream representing image slices substantially corresponding to said stream position and image size to produce a reduced data encoded navigation stream; said combined stream comprising said reduced data encoded navigation stream and said encoded video stream, said encoded

video stream including data representing image slices corresponding to said stream position and image size.

Gordon WO 01/031914 discloses 'slice-based encoding may also be used to provide picture-in-picture (PIP) functionality and a multi-functional user interface' [G. Multi-Functional User Interface with PIP Functionality, lines 6-12]. Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gordon WO 00/64170 with Gordon WO 01/031914 so as to allow 'the graphics and video of an IPG to be efficiently coded and flexibly transmitted as described below. Consequently, a user can easily and rapidly move from one IPG page to another IPG page' [0053].

8. Claim(s) 19 is/are rejected under 35 U.S.C. § 103(a) as being unpatentable over Gordon WO 00/64170 in view of Gordon WO 01/031914 (WO 01/031914), and in further view of Boucher et al. (6675387).

As to claim 19,

Gordon WO 00/64170 does not specifically disclose wherein said step of combining comprises: removing data within said navigation stream representing image macroblocks substantially corresponding to said stream position and image size to produce a reduced data encoded navigation stream; said combined stream comprising said reduced data encoded navigation stream and said encoded video stream, said encoded video stream including data representing image macroblocks corresponding to said stream position and image size.

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Gordon WO 01/031914 discloses 'slice-based encoding may also be used to provide picture-in-picture (PIP) functionality and a multi-functional user interface' [G. Multi-Functional User Interface with PIP Functionality, lines 6-12]. Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gordon WO 00/64170 with Gordon WO 01/031914 so as to allow 'the graphics and video of an IPG to be efficiently coded and flexibly transmitted as described below. Consequently, a user can easily and rapidly move from one IPG page to another IPG page' [0053].

Although Gordon WO 00/64170 in view of Gordon WO 01/031914 does not specifically disclose explicitly disclose the details, Boucher discloses 'A video stream can be pre-encoded or encoded in real-time as macroblocks for display in an area of the screen resulting in a picture-in-picture effect. For a series of images providing a picture-in-picture (PIP) display, only the macroblocks for the PIP area of the screen contain updated data. The FMB formatted data sets can be encoded to represent an MPEG data stream corresponding to full motion video for an area smaller than the visible screen size. The compressed FMB formatted data sets can be streamed to the set top box' [14, 18-25]. Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gordon WO 00/64170 with Boucher since 'a video stream can be pre-encoded or encoded in real-time as macroblocks' (Boucher [14, 18-25]).

(10) Response to Argument

I. Rejection under 35 U.S.C. 102(e) of claim(s) 1-6, 8-11, 13-17, and 20-25.

a. Appellant argues on page 17, that the Gordon wo-0064170 reference does not disclose the step of “determining a profile associated with an encoded navigation stream...”

In response, profile unit 460 defines GOP structures which effectively “determines a profile...” The GOP structures come from profile unit 460, and a profile is defined and determined. Therefore, the profile information was indeed determined at some point. Please see Gordon wo-00/64170 (page 17, lines 10-20).

Further, Webster’s dictionary defines “determining” as “establishing.” Therefore, a profile is indeed established and effectively determined.

b. Appellant argues on page 17, that the Gordon wo 0064170 reference does not disclose the step of “encoding a video stream according to said profile...”

In response, appellant’s rationale is based on a moot point. Appellant assumes that the step of “determining...” was not disclosed, and so then the step of “encoding...” could not be disclosed. As set forth above, the step of “determining...” is indeed disclosed by Gordon wo-00/64170 (page 17, lines 10-20).

c. Appellant argues on page 20, that the Gordon wo-0064170 reference does not disclose the step of “spatial profile data, only frame boundary data...”

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In response, please note Gordon wo-00/64170 (page 5, line 27 to page 6, line 4).

“Actual display parameters (i.e., the size, shape, color, position and other visual parameters) associated with each object are entirely controlled at the central location.”

d. Appellant argues on page 20, that the Gordon wo 0064170 reference does not disclose the step of “profile data is extracted at subscriber side equipment and provided to a decoder rather than an encoder...”

Please note Gordon wo-00/64170 (5, line 27 to page 6, line 4). Video information is “generated at the cable central processing location or a headend and transmitted as part of a video stream. Thus, the actual display parameters...are entirely controlled at the central location.”

e. Appellant argues on page 20, that the Gordon wo-0064170 reference does not disclose the step of “providing profile data to an encoder...”

In response, appellant's rationale is based on a moot point. There is indeed use of profile data by video profile module 460 of Gordon wo-0064170.

II. Rejection under 35 U.S.C. 102(e) of claim(s) 12.

Appellant argues that the claim is patentable for at least the reasons discussed with respect to claim 1 from which it depends.

In response, please see the reasons directed toward claim 1, as discussed above on page 16. As set forth above, the step of "determining..." is indeed disclosed by Gordon wo-00/64170 (page 17, lines 10-20).

III. Rejection under 35 U.S.C. 102(e) of claim(s) 7.

Appellant argues that the claim is patentable for at least the reasons discussed with respect to claim 1 from which it in directly depends.

In response, please see the reasons directed toward claim 1, as discussed above on page 16.

IV. Rejection under 35 U.S.C. 102(e) of claim(s) 18.

Appellant argues that the claim is patentable for at least the reasons discussed with respect to claim 1 from which it depends.

In response, please see the reasons directed toward claim 1, as discussed above on page 16.

V. Rejection under 35 U.S.C. 102(e) of claim(s) 19.

Appellant argues that the claim is patentable for at least the reasons discussed with respect to claim 1 from which it depends.

In response, please see the reasons directed toward claim 1, as discussed above on page 16.

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(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Shirley Lu

Brian Zimmerman for Shirley Lu

Conferees:

Michael Razavi SPE2612

Benjamin Lee


Benjamin C. Lee
Supervisory Patent Examiner